

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL CASE NO. 3:11CV476-MOC-DSC**

<b>ROBERT C. LONON, Individually and ) as Trustee, and ROBERT C. LONON ) REVOCABLE LIVING TRUST, )   )</b>	
<b>Plaintiffs,</b> )	
<b>vs.</b> )	
<b>BARNETT &amp; COMPANY, INC. a/k/a ) BARNETT &amp; CO., INC., )   )</b>	
<b>Defendant.</b> )	

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**ORDER**

**THIS MATTER** is before the Court on “Defendant Barnett & Company, Inc.’s Motion to Dismiss Plaintiffs’ Verified Complaint,” Doc. 7, filed October 20, 2011 and Plaintiffs’ “Notice of Intent to File Consent Motion and First Amended Complaint,” Doc. 8, filed November 3, 2011.

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B).

It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount Ranier, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

Pursuant to Plaintiffs’ Notice, Doc. 8, Defendant has consented to Plaintiffs’ filing a First Amended Complaint and Plaintiffs will file a Consent Motion to File a First Amended Complaint with a copy of the First Amended Complaint attached as Exhibit A on or before November 10, 2011.

Accordingly, “Defendant Barnett & Company, Inc.’s Motion to Dismiss Plaintiffs’ Verified

Complaint," Doc. 7, is administratively DENIED as moot without prejudice.

**SO ORDERED.**

Signed: November 9, 2011



David S. Cayer  
United States Magistrate Judge

